

CITY OF ENCINITAS

Proposition A

(This proposition will appear on the ballot in the following form.)

PROP A

ADVISORY VOTE ONLY

Shall the Encinitas City Council amend the Encinitas Ranch Specific Plan to rezone 38 acres of agricultural land on the Ecke Ranch to residential for the development of not more than 101 residential units with the following minimum significant public benefits: 8 acres of public parkland; Additional public hiking trails; Implementation of traffic circulation improvements and traffic calming measures; Enable the continuation of the Ecke Ranch agricultural business within the community.

RESOLUTION 2005-36

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ENCINITAS, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 8, 2005 FOR THE SUBMISSION OF A PROPOSED MEASURE

WHEREAS, Paul Ecke Ranch has proposed to amend the Encinitas Ranch Specific Plan to rezone approximately 38 acres currently designated for agriculture located between Saxony Road and Quail Gardens Drive to permit construction of additional residential units to provide capital for modernization of their remaining greenhouse facilities; and

WHEREAS, said proposal will result in no more than 101 residential units, dedication of 8 acres of public parkland, additional public hiking trails, traffic circulation improvements and traffic calming measures and a contractual commitment in the form of an Irrevocable Offer of Dedication to give the City all remaining agricultural land if the Paul Ecke Ranch ever ceases agricultural operations on the site or the Paul Ecke family terminates its ownership, under terms to be determined by the City Council; and

WHEREAS, transfer of said agricultural land to residential use requires either approval of voters or a four-fifths vote of the City Council finding that there are significant public benefits resulting from the change; and

WHEREAS, the City Council desires the concurrence of the voters on the significant public benefit of the proposal before proceeding with review and approval of the project.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ENCINITAS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1: That pursuant to the requirements of the laws of the State of California relating to general law cities, there is called and ordered to be held in the City of Encinitas, California, on Tuesday, November 8, 2005 a Municipal Election for the purpose of submitting the ballot measure Proposition A to Encinitas voters.

PASSED AND ADOPTED unanimously by the Encinitas City Council on July 20, 2005.

s/ Deborah Cervone, City Clerk

CITY ATTORNEY'S IMPARTIAL ANALYSIS

This measure requests the electorate's opinion as to whether the City Council should amend the Encinitas Ranch Specific Plan (East Saxony Planning Area) to rezone approximately 38 acres of agricultural land on the Ecke Ranch (the "38 Acres") to residential for the purpose of authorizing a development project of not more than 101 residential units which would provide the following minimum significant public benefits: (1) 8 acres of public parkland; (2) additional public hiking trails; (3) implementation of traffic circulation improvements and traffic calming measures; and (4) enable the continuation of the Ecke Ranch agricultural business within the community (the "Development Project"). Encinitas General Plan Land Use Element Policy 3.8 requires that property designated/zoned for non-residential uses shall not be redesignated/rezoned to allow residential uses except by the affirmative vote of a majority of those voting in the election approving the proposed change. Encinitas General Plan Land Use Element Policy 3.12 provides for an exception to this requirement when the redesignation/rezoning is approved by at least a four-fifths vote of the City Council for the purpose of authorizing a project that provides a significant public benefit. Policy 3.12 also states that "significant public benefit" shall be determined by the City Council. To accomplish the rezoning of the 38 Acres to residential and authorize the Development Project, the City Council would exercise the exception (to the requirement for voter approval) provided in Policy 3.12 based upon a determination that the minimum significant benefits identified above as items (1) through (4) satisfy the "significant public benefit" requirement, and amend the Development Agreement for the Encinitas Ranch to exclude the 38 Acres from the provisions restricting its use solely to agricultural uses in perpetuity.

ARGUMENT IN FAVOR OF PROPOSITION A

PRESERVE OUR CITY'S CHARACTER KEEP ECKE POINSETTIA RANCH IN ENCINITAS VOTE YES ON PROPOSITION A

Your YES vote on Proposition A offers the Ecke Poinsettia Ranch a chance to generate the resources it needs to modernize the flower-growing facilities so the business, and the city's flower-growing heritage, can survive.

The economics of flower growing have changed dramatically since Ecke Poinsettia Ranch was founded here in 1923. To remain competitive in the global marketplace, the Ecke's need smaller, more energy and water-efficient growing facilities.

Without modernization, Ecke Ranch will go the way of other coastal flower growers and cease to be a part of Encinitas. We believe that would be a tragedy for our city's heritage and its future.

The Ecke family's record as a corporate citizen over the past 80 years includes donation of millions of dollars to local charities and service groups, including Little League, soccer, Community Resource Center, San Dieguito Heritage museum, Magdalena Ecke YMCA, Paul Ecke Sports Fields, a portion of the Quail Botanical Gardens, Magdalena Ecke Nature Preserve, Paul Ecke Central School, over 400 sponsored sports and academic teams and scholarships.

But Proposition A goes far beyond preserving the Ecke family business in our city.

Through Proposition A, the City imposed significant requirements on the Ecke's rebuilding project, including dedication of a major community park that will total 8 acres, and traffic improvements that will reduce congestion on Leucadia Boulevard and Saxony. If the flower-growing business and agriculture cease, Proposition A transfers the 20 remaining acres to public ownership for additional parkland or other public uses.

These public benefits, along with a City-imposed 50% reduction in the number of residential units, gives us a special chance to preserve and enhance the unique character of our City for generations to come.

www.keepflowersinencinitas.com

CHRISTY GUERIN
Deputy Mayor, City of Encinitas

ANNE OMSTED
Former Mayor, City of Encinitas

DOUG LONG, Vice Chair
Parks and Recreation Commission
City of Encinitas

MARK MUIR, Director
Olivenhain Municipal Water District and
Division Fire Chief, City of Encinitas

EVELYN WEIDNER
Owner, Weidner's Gardens, Inc.

REBUTTAL TO THE ARGUMENT IN FAVOR OF PROPOSITION A

Proponents of Proposition A say it will preserve our City's character. Nothing could be further from the truth. Proposition A is bad for Encinitas. **Vote No on A.**

Rather than protect our City's character, Proposition A guarantees over half the Ecke Ranch will be converted from agricultural open space to housing development. Proposition A also opens all remaining Encinitas agricultural preserves to development.

Proposition A's proponents say Ecke will modernize his Encinitas operations with his profits from Proposition A. But, Ecke made and broke that promise before. Nothing in Proposition A requires Ecke to reinvest here.

Don't be confused by distortions and claims of benefits. Proposition A will increase, not decrease traffic. 360,000 additional car trips annually **is** more traffic. Proposition A means less agricultural open space, and more houses. The claim Ecke will give 20 acres to Encinitas if he stops farming here is so vague it is unreliable.

The Ecke Family has been generous, but they have also profited from their relationship with Encinitas. Ecke/Carlitas made many millions exercising their rights under the 1994 Development Agreement with Encinitas.

Ecke pledged in the Development Agreement to keep the Ecke Ranch as agricultural preserve forever in exchange for the right to build over 1,000 homes and develop a shopping center. Proposition A gives your rights under the Development Agreement, worth over \$30,000,000, to Ecke. This is why the Encinitas Taxpayers' Association opposes Proposition A.

A deal is a deal. Vote NO on A.

BILL RODEWALD, Acting President
Encinitas Taxpayers' Association

DIETMAR ROTHE
Scientist

GIL FOERSTER
Grower/Farmer

MATT WALKER
Attorney

ARGUMENT AGAINST PROPOSITION A

This proposition is bad for Encinitas! Intelligent voters see it for what it is: a traffic-inducing colossal give-away of public rights, open space and our quality of life. **Vote No on A.**

In 1994, the City of Encinitas agreed in a Development Agreement to allow Ecke and Carltras Company to develop the 853 acre Encinitas Ranch, including a shopping center and over 1,000 homes. In exchange, Ecke/Carltras agreed in the Development Agreement to keep the 68-acre Ecke Ranch agricultural "in perpetuity".

Now, Ecke/Carltras want to change the deal. They want to build 101 more homes in the Ecke Ranch, even though the Development Agreement requires it to be agricultural forever.

The Development Agreement gives us the right to control development of the Ecke Ranch. This proposition gives our rights, worth over \$30 million, to Ecke/Carltras for virtually nothing. What do we get?

- o The 101 homes will generate over 360,000 additional car trips annually, further clogging our congested streets. The proposed Traffic Calming means traffic lights, cameras, roundabouts and delays. This proposition means more traffic for Encinitas Boulevard, Leucadia Boulevard and surrounding neighborhoods.

- o Eight acres of parkland is not a significant benefit when any large residential subdivision developer would be required to provide parkland or pay a fee, and we lose 38 acres of protected agricultural reserve.

- o Don't believe Ecke needs to build more houses to keep farming here. He promised in 1994 to modernize his farming operations with his profits. But instead, he moved nearly all his agricultural production and jobs offshore. Nothing in this proposition requires that Ecke keep farming or jobs here.

This proposition is a give-away of our rights. A deal should be a deal! **VOTE NO on A to protect your rights.**

DIETMAR ROTHE
Scientist

MATT WALKER
Attorney

GILBERT FOERSTER
Grower/Farmer

WILLIAM H. RODEWALD
Acting President
Encinitas Taxpayers Association

REBUTTAL TO THE ARGUMENT AGAINST PROPOSITION A

The individuals opposed to Proposition A rely on half truths and inaccuracies to make their argument.

For example, they fail to mention that even with 101 homes proposed in the Ecke Ranch rebuilding plan, the total number of homes built will still be fewer than permitted by the original Development Agreement.

They point to the "in perpetuity" clause in the Development Agreement, but fail to mention this clause was intended to preserve agricultural uses at Ecke Poinsettia Ranch – precisely the objective of Proposition A – not an excuse to perpetuate abandoned greenhouses and force one of the City's last remaining growers to leave.

They talk about giving away "our rights" to someone else's private property, but the truth is there is no public right to use this land and little or no commercial value with agricultural zoning if Ecke Ranch can't utilize it profitably.

They cite an annual calculation of car trips to deceptively inflate the number, but fail to mention that Ecke Ranch-funded street improvements required by the City will actually reduce congestion and increase safety on Saxony and Leucadia.

And finally, they question the Ecke Ranch's credibility that they will actually do what they have proposed, but they fail to mention the Ecke's 80 year record of contributions to our community and keeping every promise they've ever made to us. .

It would be a tragedy if these deceptive arguments succeed in driving the Ecke Poinsettia Ranch from our community.

Keep flowers in Encinitas - vote YES on Proposition A.

BILL BERRIER, Chairman
Keep Flowers in Encinitas and
Retired Superintendent,
San Dieguito Union High School District

GARY TUCKER
President
Encinitas Chamber of Commerce

PASTOR BILL HARMAN
Senior Pastor, Bethlehem Lutheran Church

PAT CONNORS
President, San Dieguito Youth
Softball League

JOHN CONOVER
Founder, National Chapters Surfrider Foundation and
1st President, Surfrider Foundation San Diego Chapters